



Alabama

Board for Registration of Architects

FALL 2003 NEWSLETTER

IN THIS ISSUE:

Incidental Practice TF
Know the Law!
IMPORTANT: Notice
of Intended Action
Disciplinary Actions
Practice Setting Survey
News for Interns
New Registrants
Red Books
Quotable Quote

FUTURE BOARD MEETINGS:

November 13, 2003
Montgomery

BOARD MEMBERS:

Joseph L. Bynum
Edward L. Faddis
Marzette Fisher
William W. Herrin, Jr.
Renis O. Jones, Jr.
Jim H. Seay, Jr.

STAFF:

Cindy Gainey
Executive Director

Janet Wells
Executive Secretary

BOARD APPOINTS INCIDENTAL PRACTICE TASK FORCE

As mentioned in the Board's *Spring 2003 Newsletter*, incidental practice of engineering by architects is an on-going area of concern to the Board. In response to an increasing number of inquiries, a task force of architects, engineers, and building officials was recently appointed to investigate, synthesize and recommend to the Board a definition of "incidental practice of engineering." Long time Board member Billy Herrin from Huntsville will serve as coordinator for the group, and recommendations to the Board are anticipated in the summer of 2004.

KNOW THE LAW!

It has become evident to the Board that many owners and procurers of architectural services do not verify with the Board whether an architect is registered. §§34-2-30(2) and (3) Code of Alabama 1975 defines practicing architecture as "performing or doing, or offering or attempting to do or perform any service, work, act or thing within the scope of the 'practice of architecture'." This includes consultations, investigations, evaluations, preliminary studies, plans, specifications, contract documents and a coordination of all factors concerning the design and observation of construction of buildings. **Practicing architecture is more than "sealing drawings."** Any individual who practices architecture without current registration may be subject to disciplinary action by the Board.



NOTICE OF INTENDED ACTION

INTENDED ACTION: Adopt new paragraph for inclusion in the Board's Code for Professional Conduct.

SUBSTANCE OF PROPOSED ACTION: Defines minimum construction administration services required and mandatory notifications when construction administration services are not being furnished by the sealing architect. (Full text is shown below.)

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments must be received in the Board office by Friday, November 21, 2003. Comments may also be transmitted via the COMMENTS tab on the Board's web site.

CONTACT PERSON: Cindy Gainey, Executive Director

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PROPOSED ADDITION TO CODE FOR PROFESSIONAL CONDUCT SECTION ENTITLED "FULL DISCLOSURE:"

3.7 a. On a project where a building permit has been issued and the sealing architect has not been engaged, or is no longer engaged, to perform at least minimum construction administration services, as defined in subsection b. below, the sealing architect must report to the building official and the Board that he or she has not been, or is no longer, so engaged.

b. The minimum construction administration services expected of the sealing architect deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents that the architect observed.

Commentary: Construction administration is a component of the practice of architecture. § 34-2-30(2), ALA. CODE (1975). When the sealing architect cannot perform construction administration, it is necessary to ensure that another qualified professional performs construction administration services until the project is completed. If the architect informs the Board and the local building official that he or she will not perform such services, the Board and building official can take any steps it deems necessary for the protection of the health, safety, and welfare of the public. As with other architectural services, qualified employees of registered architects may perform construction administration services under the instruction, direct control and supervision of their employers. § 34-2-32a.(1), ALA. CODE (1975).

DISCIPLINARY ACTIONS

W. CURTIS KIRSCH (#2534), Montgomery, Alabama, signed a settlement agreement and order on February 5, 2003, which was adopted by the Board on May 22, 2003. Kirsch affixed an engineer's seal on construction documents without permission, a violation of Section 5.3 of the Board's Code of Professional Conduct. Kirsch's registration is suspended for one year, effective June 21, 2003, fined \$5,000, and will serve three years of Board-supervised probation after completion of the suspension term.

GERALD SMITH (unlicensed), Thomasville, Alabama, signed a settlement agreement and order on June 21, 2003. Smith prepared drawings for a church in Linden, Alabama. Smith agreed that he will not engage in the practice of architecture and paid a \$2,500 administrative assessment.

FRED N. CHADSEY, JR. (#2803), Gulf Shores, Alabama, signed a settlement agreement on June 20, 2003. Chadsey practiced architecture while on emeritus status rather than as an actively registered architect. He paid a \$500 administrative assessment covering the Board's expenses. Chadsey's registration has been returned to active status.

SURVEY OF PRACTICE SETTINGS

Thanks to all of you who responded to the Board's survey regarding the practice of architecture by corporations, partnerships, and sole proprietorships. The results will be compiled and presented to the Board members at their November 13, 2003 meeting. Your input is important! The data will be used to help the Board assess and support re-writing Alabama's registration law.

NEWS FOR INTERNS

A \$35 rescheduling fee will be assessed each time a candidate makes any changes to their previously scheduled A.R.E. appointments. Candidates will be required to select their future appointment date at the time they notify the Prometric Candidate Services Call Center of their schedule change. The only acceptable form of payment of this fee will be by credit card.

Alabama has five Prometric testing centers that administer the A.R.E. Centers are located in Birmingham, Decatur, Dothan, Mobile, and Montgomery. Call 1-800-479-6215 to schedule an appointment.

NCARB's web site (www.ncarb.org) has comprehensive information regarding the divisions of the exam, fees, downloads, and study guides as well as IDP information.

**STATE OF ALABAMA
BOARD FOR REGISTRATION OF ARCHITECTS
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CONGRATULATIONS!

The following individuals passed the Architects Registration Exam since publication of our last newsletter:

Chad M. Bryant, Birmingham, Alabama
Nancie Bush – Eufaula, Alabama
Lisa A. Ward – Birmingham, Alabama
Tianle Zhang – Madison, Alabama

COMING TO YOUR MAILBOX...

An updated “Red Book” containing the Board’s law, regulations, and Code for Professional Conduct will be mailed to all registrants in late October.



QUOTABLE QUOTE:

A sound discretion is not so much indicated by never making a mistake as by never repeating it.

--Christian Nestell Bovee